

## EXHIBIT B

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

LUCIA MARETT, *on behalf of herself and  
all others similarly situated,*

Plaintiff,

v.

PALM RESTAURANT, INC.,

Defendant.

No. 16 Civ. 9381

**(PROPOSED) ORDER GRANTING MOTION FOR PRELIMINARY  
APPROVAL OF CLASS SETTLEMENT, DIRECTING ISSUANCE OF SETTLEMENT  
NOTICE AND SCHEDULING OF HEARING ON FINAL APPROVAL**

WHEREAS, the Parties in the above-captioned litigation have advised the Court that they have settled the litigation, the terms of which have been memorialized in a Class Settlement Agreement and Release (hereafter “Settlement Agreement”).

WHEREAS, Plaintiff has applied to this Court through an unopposed motion for an order (1) granting preliminary approval of the Settlement Agreement resolving all claims in the above-captioned matter, (2) directing notice to the class, and (3) setting a fairness hearing; and

WHEREAS, the Court has read and considered Plaintiff’s Unopposed Motion for Preliminary Approval, the points and authorities submitted therewith, the proposed Settlement Agreement, and all of the supporting documents; and good cause appearing:

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. This Order incorporates by reference the definitions in the Settlement Agreement and all terms defined therein shall have the same meaning in this Order as set forth in the Settlement Agreement.

2. Plaintiff's Unopposed Motion for Preliminary Class Action Settlement ("Motion") is granted. All pending deadlines are hereby vacated. It appears to this Court on a preliminary basis that the Settlement Agreement is fair, adequate and reasonable.

3. Notice of the proposed Settlement Agreement shall be given to class members. The Notice, attached as Exhibit A to the Settlement Agreement, is hereby approved. On or before [30 days after the date of this Order], 2017, the Parties shall effectuate the Notice plan, advising the Class of the terms of the proposed Settlement Agreement and their right to opt-out or object to the proposed Settlement Agreement.

The Notice plan shall be effectuated as follows:

a) Defendant will make reasonable efforts, and will bear the full costs, to publish the Notice attached as Exhibit A to the Agreement on a designated Settlement Website, accessible through a link on the Palm.com website, for a 2 month period, in a format accessible through screen reading software, providing visually impaired individuals (1) a description of the general terms of the class settlement, (2) where to obtain a copy of the Agreement, and (3) their right to opt out (for compensatory damages only) or object to the Agreement.

4. The Court finds that the form of notice to Class Members regarding the proposed Settlement Agreement, including the methods of dissemination to the proposed Settlement Class in accordance with the terms of this Order, meet the requirements for due process, the requirements of Rules 23(c)(2) and 23(e) of the Federal Rules of Civil Procedure, and constitutes the best notice practicable under the circumstances.

5. A hearing (the "Fairness Hearing") shall be held before this Court on [\_\_\_\_], 2017 at [ ] a.m./p.m. in the United States District Court for Southern District of New York, located at 500 Pearl Street, Courtroom 12B New York, New York 10007, to

determine whether the Agreement shall be granted final approval, and to address any related matters.

6. The Fairness Hearing may, from time to time and without further notice to the Class (except those who have filed timely objections or entered appearances), be continued or adjourned by order of the Court.

7. Members of the Class may register their objections to the Agreement by filing written objections with the Clerk of the Court, with copies served on Class Counsel and Defendant. Objections must be received by [90 days after the date of this Order], 2017. Members of the Class who also wish to appear at the Fairness Hearing and object to the Agreement in person must so state at the time they file their written objections. Any Class member who does not make his or her objection in the manner provided for in this Order shall be deemed to have waived such objection.

8. All responses to objections shall be filed with the Court and served by mail on the Parties' Counsel and on any objectors by [110 days after the date of this Order], 2017.

9. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Agreement which are not materially inconsistent with either this Order or the terms of the Agreement.

It is so ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Honorable John G. Koeltl  
United States District Judge